

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to the Sole Figure. This sheet, which includes the Sole Figure, replaces the original sheet including the Sole Figure.

Attachment: Replacement Drawing Sheet

REMARKS

Introduction

In response to the final Office Action dated June 20, 2007, Applicant has amended claims 1 and 2. Claims 7-11 have been added. Care has been taken to avoid the introduction of new matter. Claims 4-6 have been cancelled. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicants request entry of this Rule 116 Response. Support for amended claims 1 and 2 is found in, for example, pg. 3, lines 15-25; pg. 13, line 1. Support for new claim 7 is found in, pg. 3, lines 15-25; pg. 13, line 1. Support for new dependent claim 8 is found in, for example, Table 8, pg. 12, line 25-pg. 13, line 11. Support for new dependent claim 9 is found in, for example, pg. 11, line 23-pg. 12, line 2. Support for new dependent claim 10 is found in, for example, pg. 12, lines 13-17. Support for new dependent claim 11 is found in, for example, pg. 12, lines 2-5. There are no new issues presented. As will be explained below, the claim amendments place the application in a condition for allowance. Moreover, the Manual of Patent Examining Procedure sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Entry of these claim amendments is respectfully requested.

Examiner Interview

Applicant greatly appreciates the courtesy of Examiner Leith in granting a telephone interview with the undersigned on September 21, 2007. During the interview, the rejection of claims 4-6 under 35 U.S.C. § 112, second paragraph was discussed. The Applicants' representative indicated that the rejection of claims 4-6 under 35 U.S.C. § 112, second paragraph in the final Office Action mailed June 20, 2007 was identical to the rejection found in the Office Action mailed December 15, 2006, even though claims 4-6 were amended in response to the final Office Action mailed June 20, 2007 to overcome these rejections. The Examiner stated that some of the rejections were overcome in the amendment, however the flow rate in claims 4-6 remains indefinite because it states "1.0/min," and thus lacks a value for the volume measurement. The Examiner also stated that the temperature values in claims 4-6 that are directed to an intravaginal washing agent were indefinite. The Applicants' representative agreed to clarify the flow rate and temperature in the response.

Drawings

The drawings are objected to under 35 C.F.R. 1.83(a) for showing Japanese characters in the figure. The drawings, including the sole figure have been amended to remove the Japanese characters.

Withdrawal of the objection is requested.

Claim Rejection Under 35 U.S.C. § 112

Claims 4-6 are rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that the rejection is moot in view of the amendment cancelling claims 4-6.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 408275751 (hereinafter Katayama 1) in light of JP 06293649 (Katayama 2). Amended claim 1, for example, recites, “an intravaginal washing agent for prevention of invading of microorganisms into a vagina and sterilization of the microorganisms, comprising: fermented soybean milk produced by fermenting soybean milk with a co-culture of a plurality of lactic acid bacteria and yeast.”

Katayama 1 discusses a non-analogous art of food additives. Katayama 2 teaches a non-analogous wound healing drug. The teachings of Katayama 1 would not apply to Katayama 2 because Katayama 1 is related to a food additive useful as a seasoning. Nor is there any suggestion identified in either reference that might arguably teach one how or why to combine a food additive with a wound healing drug. For this reason, the rejection is improper and the rejection should be withdrawn.

The Office Action asserts that Katayama clearly teaches that the extract is obtained after fermentation of the soybean milk via inoculation with several types of bacteria. The Office Action avers that because Katayama disclosed that the soybeans were swollen with water, blended and heated, that the resulting composition prior to fermentation was ‘soybean milk.’

Turning to the prior art, Katayama 1 is *silent* regarding the use of yeast in their unrelated food additive. Katayama 2 states, “grinding water-swollen beans in water and heating to obtain **bean-milk like slurry**” (*emphasis added*). Katayama 2 is *silent* regarding the use of yeast in their bean-milk like slurry. None of the references, individually or combined, disclose or suggest an intravaginal washing agent produced by fermenting soybean milk with a co-culture of a plurality of lactic acid bacteria and yeast, as required by amended claims 1 and 2.

New Claims

New claim 7 recites, in part, “...administering a washing agent comprising fermented soybean milk including a co-culture of a plurality of lactic acid bacteria and yeast to prevent or treat the vaginal infection.” Nothing in the cited reference teaches or suggests the described subject matter. Additionally, independent claim 8 and dependent claims 9-11 recite patentably distinguishing features of their own. It is submitted that these new claims distinguish over the cited references.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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